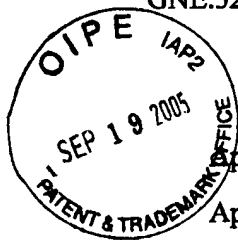


GNE.3230R1C131

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goddard, et al. (as amended)
Appl. No. : 10/063,699
Filed : May 8, 2002
For : A NUCLEIC ACID UNDER-
EXPRESSED IN MELANOMA
(as amended)
Examiner : Patricia Ann Duffy
Group Art Unit : 1645

DECLARATION UNDER 37 C.F.R. §1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby aver that the nucleic acid of SEQ ID NO: 51 was deposited with the American Type Culture Collection (ATCC®) September 9, 1998 and was given ATCC® deposit number 203245. Accordingly, the deposited material has been accepted for deposit under the Budapest Treaty on the International Recognition of the deposit of Microorganisms for the Purposes of Patent Procedure and all restrictions on the availability to the public of the material so deposited will be irrevocably removed upon the grant of a patent from this application.

GENENTECH, INC.

Date: 9/8/05

By: Bonny Yeung
Bonny Yeung
Title: Patent Agent
Registration No. 53,811

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